

## **REMARKS**

Claims 1 through 9, 11 through 12, and 31 are now pending in the application. In order to place the present application in better condition for allowance, previously withdrawn Claims 13 through 30 are herein canceled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 1 through 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Parenti et al. (U.S. Pat. No. 4,915,998). This rejection is respectfully traversed.

The Examiner states in part:

"Parenti et al. discloses an insulated blanket that may be used as a wall. The blanket/wall comprising:

A first layer 12 (top) of insulation material of fiberglass material

A second layer 12 (bottom) including a flexible material."

Applicants respectfully disagree with the Examiner's interpretation. The Examiner apparently equates one of the items 12 of Parenti et al. with the insulation layer 14 of Applicants. Parenti et al. however, defines items 12 as "an outer envelope formed by cloth sheets 12." See column 2, lines 55-56. The cloth sheets 12 are not themselves the insulation material, as noted above this by "The heat insulation components 4 and 10 are contained in an outer envelope formed by cloth sheets". See column 2, lines 54-56. The cloth sheets 12 of Parenti et al. also do not meet the Claim 1 limitation of a first

layer including an insulation material because the cloth sheets 12 of Palenti et al. are used to encase and therefore do not include the insulation components 4 and 10.

The Examiner further states that Parenti et al. discloses "A second layer 12 (bottom) including a flexible material having an outer face defining some type of pattern which may be described as decorative." Applicants respectfully disagree. According to Webster's Third International Dictionary, copyright 1993, on page 1657 the definition of pattern includes "a fully realized form, original, or model accepted or proposed for imitation: something regarded as a normative example to be copied". On page 587 of the above dictionary, the definition of decorative is given as: "of or relating to decoration: serving to decorate: as **a**: having a purely ornamental function..., **b**: of a work of art: producing immediate sensory satisfaction without regard to meaning ..., **c**: suitable for decorating or embellishing: enhancing in attractiveness".

There is no discussion or Figure in Parenti et al. describing cloth sheets 12 as having any type of pattern as defined above, or that the pattern is limited to an outer face of the cloth sheet(s), or further that the pattern is decorative, and therefore that the cloth sheets meet the Claim 1 limitation of a second layer including a flexible material having an outer face defining a decorative pattern. There is no disclosure in Parenti et al. that identifies the cloth sheets 12 as having a pattern that is decorative. Assuming arguendo that any cloth material will provide some type of pattern if woven which is not disclosed by Parenti et al., the pattern would inherently repeat on opposite faces of the cloth. As noted above Parenti et al. do not disclose a decorative pattern, and further do not limit a decorative pattern to an outer face of the second layer.

For the above reasons, Parenti et al. cannot anticipate Claim 1. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claim 1. Because Claim 2 depends from Claim 1, Parenti et al. cannot anticipate Claim 2 for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 102(b) rejection of Claim 2.

### **REJECTION UNDER 35 U.S.C. § 103**

#### **Claims 1 through 2, 5 and 7**

Claims 1 through 2, 5 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wirth (U.S. Pat. No. 6,604,603) in view of Meier et al. (U.S. Pat. No. 5,169,700). This rejection is respectfully traversed.

The Examiner stated in part “Brant [Wirth] discloses a unitary insulated wall for a mobile platform, a trim panel for an automobile, comprising: 2. a second layer 4 of flexible cloth material; this flexible material includes an outer face having a pattern as seen in figure 5; [weather] whether or not the same is decorative is determined by the preference of the one making and using the wall structure; the second layer also includes an inner face attachable to the first layer”.

Wirth appears to teach “a soundproofing system 1 includes insulation elements 3 with a sound absorbing membrane 4 which forms the inner face. The sound absorbing membrane 4 is preferably attached to an inner skin 5 of a covering.” See column 7, lines 31-34. “Insulation material 7, preferably in the form of long-fiber layer material, in particular in the form of silicate fiber mats, is provided on that side of the covering inner skin 5 which faces away from the sound absorbing membrane 4.” See column 7, lines

49-52. Wirth further teaches "To permit a simple method of joining the stable flat material 9 to the insulation material 7 and the sound absorbing membrane 4, preferably a covering outer skin 10 is connected to the covering inner skin 5 or to the covering interlayer 8 or to the closed covering arranged around the insulation material 7." See column 8, lines 25-30.

If as alleged by the Examiner Applicants' first layer is defined as insulation material 7a, 7b, and Applicants' second layer is defined as sound absorbing membrane 4, the limitations of Claim 1 are not met. Sound absorbing membrane 4 as defined above by Wirth "forms the inner face" of soundproofing system 1. As clearly shown in Figure 1 sound absorbing membrane 4 faces "inward" or toward the source of noise (vibrator 2) and the insulation 7 together with a flat material 9 face outward or away from vibrator 2. Sound absorbing membrane 4 is further attached to the inner skin 5 of a covering. However, as noted above, inner skin 5 is positioned between insulation material 7 and sound absorbing membrane 4 so insulation material 7 "faces away from" sound absorbing membrane 4. If the "outer face" of sound absorbing membrane 4 as defined by the Examiner as shown in Figure 5 includes the decorative pattern, the "inner face" of sound absorbing membrane 4 must therefore be the face which is connected to inner skin 5. As clearly seen in Figure 1, sound absorbing membrane 4 is attached to inner skin 5 throughout its surface area and the Claim 1 limitation of the first layer being attachable to the second layer only at the perimeter region therefore cannot be met.

For at least the same reasons as noted above with respect to Parenti et al., Wirth does not teach or suggest a pattern or a decorative pattern. There is no discussion or Figure in Wirth describing sound absorbing membrane 4 as having any type of pattern

as defined above or by Applicants, or further that the pattern is decorative, and therefore that the sound absorbing membrane 4 meets the Claim 1 limitation of a second layer including a flexible material having an outer face defining a decorative pattern. There would be no function or reason for a decorative pattern to be created “by the preference of the one making and using the wall structure” as noted by the Examiner on either the side of sound absorbing membrane 4 that faces the vibrator 2 or the side that faces insulation 7, because vibrator 2 is in an enclosed volume similar to a speaker housing and is therefore not visible.

The Examiner states that “Wirth lacks the first layer attachable to the second at the perimeter as shown by Meier, figure 7”, however, Claim 1 requires the first layer being attachable to the second layer only at the perimeter region.

Figure 7 of Meier et al. shows another embodiment “wherein the facing sheets 54 and 38 extend out beyond the fiber glass material and are attached to each other, as by heat sealing or stitching, to form a bonded flange 62 comprised of the overlapping sheets.” See column 4, lines 58-62. As taught by Meier et al. item 38 is “a web of permeable material.” See column 4, lines 10-11. As further taught, “Because the material 38 is highly permeable, the air stream carrying the fibers is able to pass through the web, depositing the fibers directly onto the web.” See column 4, lines 15-18. Still further, Meier et al. teach “the fibers have built up on the outer surface of the web 38 to form a layer or blanket 46 while the web is supported by the collection chain 16. When the fibrous layer is stripped from the collection chain in transferring to the conveyor 26, the web of permeable material is stripped off along with it, so that the fibrous layer 46 and the web 38 are fed as a unit to the oven 32. There, the curing of

the binder results not only in the fibers being bonded to one another, but in the fibers being bonded to the web 38 as well.” See column 4, lines 21-31. Web 38 and fibrous layer 46 are therefore attached throughout and not only at the perimeter region as required in Claim 1. When both items 38 and 54 are used together, Meier et al. define this configuration as “both major faces of the blanket 46 are provided with similar porous facing sheets 38 and 54.” See column 4, lines 47-49.

Meier et al. therefore teaches away from the Claim 1 limitation of a first layer including an insulation material; and a second layer including a flexible material ... the first layer being attachable to the second layer only at the perimeter region.

For at least the same reasons as noted above with respect to Parenti et al., Meier et al. do not teach or suggest a pattern or a decorative pattern. There is no discussion or Figure in Meier et al. describing webs or sheets 38 or 54 as having any type of pattern as defined above, or further that the pattern is decorative, and therefore that the webs or sheets 38 or 54 meet the Claim 1 limitation of a second layer including a flexible material having an outer face defining a decorative pattern. There would be no function or reason for a decorative pattern to be created “by the preference of the one making and using the wall structure” as noted by the Examiner on either the side of the webs or sheets 38 or 54 because in several embodiments the sheets are joined together by heat bonding, which could destroy a decorative pattern or enclose it in a non-visible configuration.

The suggested modification of Wirth and Meier et al. therefore cannot render Claim 1 obvious. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claim 1. Because Claims 2, 5, and 7 depend from Claim 1, the

suggested modification of Wirth and Meier et al. cannot render any of Claims 2, 5, or 7 obvious for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claims 2, 5, and 7.

**Claims 3 through 4, 6 and 8 through 9**

Claims 3 through 4, 6 and 8 through 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wirth (U.S. Pat. No. 6,604,603) in view of Meier et al. (U.S. Pat. No. 5,169,700) as applied to claim 1 and further in view of Brant (U.S. Pat. No. 4,741,945). This rejection is respectfully traversed.

In addition to the discussion above with respect to Wirth and Meier et al., Brant appears to teach an automotive trim panel or headliner wherein “the trim panel 10 is a laminar arrangement (known in the trade as a foam-sheet laminate or “FSL”) of a semiflexible support layer 14 comprising, for example, a thermoplastic polymer foam core layer 16 interposed between and bonded to sheets or films 18 and 20 of the same or different thermoplastic polymer.” See column 3, lines 1-7. “Other FSL type layer 14 composites include polyester fiber mats as sheets 18 and 20.” See column 3, lines 61-62. “The headliner 10 further includes an open-celled, flexible, resilient, sound-absorbing foam layer 22 bonded to one face of the support layer 14.” See column 4, lines 9-12.

Brant like Meier therefore also teaches away from the Claim 1 limitation of a first layer including an insulation material; and a second layer including a flexible material ... the first layer being attachable to the second layer only at the perimeter region.

The suggested modification of Wirth, Meier et al. and Brant therefore cannot render Claim 1 obvious. Because Claims 3 through 4, 6, and 8 through 9 depend from Claim 1, the suggested modification of Wirth, Meier et al., and Brant cannot render any of Claims 3 through 4, 6, or 8 through 9 obvious for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claims 3 through 4, 6, and 8 through 9.

### **Claims 11 and 31**

Claims 11 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wirth (U.S. Pat. No. 6,604,603) in view of Meier et al. (U.S. Pat. No. 5,169,700), and in further view of Bussey, Jr. et al. (U.S. Pat. No. 5,766,721). This rejection is respectfully traversed.

In addition to the discussion above with respect to Wirth and Meier et al., Bussey, Jr. et al. appear to teach an insulation barrier 12 wherein “the insulation barrier 12 is formed of a flexible foamed polyethylene substrate 16 and a film 17 which is secured to at least one side of the substrate.” See column 4, lines 3-5. “The insulation barrier 12 may be made in a relatively simple manner. For example, a flexible, polyethylene foam can be extruded through a die to form a continuous sheet ranging from 1/32 to 2 inches thickness. After extrusion, the film 17, such as a polyethylene film, is laminated to the foamed polyethylene substrate 16.” See column 4, lines 48-53.

Bussey, Jr. et al. like Meier therefore also teaches away from the Claim 1 limitation of a first layer including an insulation material; and a second layer including a

flexible material ... the first layer being attachable to the second layer only at the perimeter region.

The suggested modification of Wirth, Meier et al., and Bussey, Jr. et al. therefore cannot render Claim 1 obvious. Because Claim 31 depends from Claim 1, the suggested modification of Wirth, Meier et al., and Bussey, Jr. et al. cannot render Claim 31 obvious for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claim 31.

With regard to Claim 11, Wirth does not teach or suggest the use of fasteners. Meier et al. appear to teach a fastener identified as “pins 68 which penetrate the blankets and are secured to the structure by any suitable means, such as by welding, clamps or bolts.” See column 5, lines 12-14. However, because all of the layers of insulation 46 are enclosed by one of either a sheet 38 or 54 or film 50, pins 68 must penetrate either sheet 38 or 54 or film 50 to engage insulation 46. Neither of the references of Wirth or Meier et al. alone or in combination teach or suggest the Claim 11 limitation of a plurality of wall mounting fasteners each connectable at a fixing end to only the first layer and each including a body extending completely through only the first layer.

Draggooo et al. appear to teach a plurality of fasteners each having a male engagement head at opposite ends of a longitudinal body. For example, as shown in Figure 1, “tether clip 100 comprises a first retaining means 106 adapted to be securable to the first panel 102; a second retaining means 108 that is engageable with the second panel 104 and limits the relative separation between the first and second panels.” See column 2, lines 26-30. The fasteners of Dраггоо et al. therefore must engage a panel or

similar item at both ends of the fastener and must if used in an application involving a layer of insulation therefore extend through not just the insulation, but through a panel or clip member at least one side of the insulation. The fasteners of Draggoo et al. therefore teach away from the Claim 11 limitation of a plurality of wall mounting fasteners each connectable at a fixing end to only the first layer and each including a body extending completely through only the first layer.

The suggested modification of Wirth, Meier et al., and Draggoo et al. therefore cannot render Claim 11 obvious. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claim 11.

### Claim 12

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wirth (U.S. Pat. No. 6,604,603) in view of Meier et al. (U.S. Pat. No. 5,169,700), and Bussey, Jr. et al. (U.S. Pat. No. 5,766,721) as applied to claim 11, and in further view of Draggoo et al. (U.S. Pat. No. 6,962,863). This rejection is respectfully traversed.

In addition to the discussion above with respect to Wirth, Meier et al., and Draggoo et al., Bussey, Jr. et al. appears to teach “the building is typically made of walls having spaced apart studs 20 to which the sheathing 11 is secured by suitable fasteners such as nails 21.” See column 4, lines 26-28. As clearly shown in Figures 5 and 6 nails 21 extend through each of sheathing 11, windings 13, and lip 18, or through lip 18, substrate 16 and into studs 20.

The references of Wirth, Meier et al., Bussey, Jr. et al., and Draggoo et al. therefore do not teach or suggest the Claim 11 limitation of a plurality of wall mounting

fasteners each connectable at a fixing end to only the first layer and each including a body extending completely through only the first layer. The suggested modification of Wirth, Meier et al., Bussey, Jr. et al., and Draggoo et al. therefore cannot render Claim 11 obvious. Because Claim 12 depends from Claim 11, the suggested modification of Wirth, Meier et al., Bussey, Jr. et al., and Draggoo et al. cannot render Claim 12 obvious for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claim 12.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:   
Thomas J. Krul, Reg. No. 46,842

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

TJK/mmk